

## 21 C.J.S. Courts § 28

Corpus Juris Secundum | May 2023 Update

### Courts

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### II. Jurisdiction of Courts

#### C. Jurisdiction of Subject Matter or Cause of Action

##### 2. Amount in Controversy Within Subject Matter Jurisdiction

###### b. Determination of Amount in Controversy Within Subject Matter Jurisdiction

###### § 28. Time amount in controversy determined

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, Courtskey121(1), 169(1)

**The amount in controversy at the time of the institution of the suit determines the jurisdiction of the court, but subsequent changes do not divest the court of jurisdiction.**

The amount in controversy within meaning of statutes setting a court's subject matter jurisdictional limit based on the amount in dispute is determined at the time jurisdiction is to be determined.<sup>1</sup> Jurisdiction is determined by the amount in controversy at the time when the court is first called on to exercise jurisdiction, which in a trial court is the amount claimed at the time when the suit is instituted.<sup>2</sup> A mere possibility of increased damages beyond the court's jurisdictional limit is not sufficient to preclude jurisdiction.<sup>3</sup>

When increased damages are due to the passage of time, they may be awarded by the trial court, even if the increase brings the amount above the court's jurisdictional limit,<sup>4</sup> since once the court properly acquires jurisdiction, no later fact or event can defeat that jurisdiction.<sup>5</sup> If the original petition is within the jurisdictional limits, but an amendment increases the amount in controversy above the court's jurisdictional limits, the court continues to have jurisdiction if the additional amount accrued because of the passage of time.<sup>6</sup>

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## Footnotes

1 La.—[Swayze v. State Farm Mut. Auto. Ins. Co.](#), 172 So. 3d 1026 (La. 2015).

2 La.—[Swayze v. State Farm Mut. Auto. Ins. Co.](#), 172 So. 3d 1026 (La. 2015).

Tex.—[United Services Auto. Ass'n v. Brite](#), 215 S.W.3d 400 (Tex. 2007).

3 La.—[Lake Charles Nissan, Inc. v. State Farm Mut. Auto. Ins. Co.](#), 590 So. 2d 614 (La. Ct. App. 3d Cir. 1991).

4 N.Y.—[Board of Managers of Mews at North Hills Condominium v. Farajzadeh](#), 185 Misc. 2d 353, 712 N.Y.S.2d 722 (Dist. Ct. 2000), order aff'd as modified on other grounds, 189 Misc. 2d 38, 730 N.Y.S.2d 180 (App. Term 2001).

Tex.—[Oropeza v. Valdez](#), 147 S.W.3d 480 (Tex. App. San Antonio 2004).

5 Tex.—[Oropeza v. Valdez](#), 147 S.W.3d 480 (Tex. App. San Antonio 2004).

6 Tex.—[Rodney R. Elkins & Co. v. Immanivong](#), 406 S.W.3d 777 (Tex. App. Dallas 2013).